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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,382	06/28/2001	T.V.L.N. Sivakumar	NOKI14-00003	5552
30973	7590	03/31/2005	EXAMINER	
SCHEEF & STONE, L.L.P. 5956 SHERRY LANE SUITE 1400 DALLAS, TX 75225			D AGOSTA, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/894,382	<b>Applicant(s)</b> SIVAKUMAR, T.V.L.N.	
	<b>Examiner</b> Stephen M. D'Agosta	<b>Art Unit</b> 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11-29-04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3 and 6-10 have been considered but are moot in view of the new ground(s) of rejection.

1. The examiner acknowledges the corrections made to the application and has overcome the rejections regarding the drawings, IDS, Abstract, Title and claim objection.

2. The applicant did not address the examiner's objection to the "format" of the specification – it needs to be reworked so that it conforms to the Patent Office guidelines (as put forth in the first Office Action – see below).

3. The applicant did not address the examiner's objection to the signed Oath/Declaration – eg. it needs to list the applicant's full name and his signature needs to reflect his full name.

4. New art has been provided to reject the newly amended claims.

5. Claim 9 depends from CANCELLED claim 4. This needs to be corrected.

The examiner assumes it depends from claim 1 now.

### ***Oath/Declaration***

The full name of each inventor (family name and at least one given name together with any initial) has not been set forth. The full name is only shown as T.V.L.N. Sivakumar. Also, the applicant should sign his full name (eg. family name and at least one given name).

### ***Specification***

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application **should include the following sections in order**. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

- The pertinent section titles above should be added to the specification.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4-10 1-3 and 6-10** rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al. US 6,587,835 and further in view of Maruyama et al. US 5,732,326 and Rautila US 6,714,797 (hereafter Treyz and Maruyama and Rautila).

As per **claim 1**, Treyz teaches a local data provision system (abstract teaches sending "local" shopping mall data to a shopper) comprising:

A plurality of transmitters each located at a respective entity having a limited range of physical utility (figure 13 teaches a merchant's transmitter, #182 that sends data to handheld computing device #12 and is a local signal, C20, L57 to C21, L24, C22, L16-29 and C27, L45-54), and

Each transmitter being arranged repeatedly to transmit wirelessly a signal carrying data indicating the presence of the respective entity over a range substantially coterminous with the range of utility of that entity (Figure 49, #556/#558 discloses merchant transmits RF in a coverage area that is coterminous with their store, C22, L16-29 teaches multiple transmitters that are needed to cover different areas while figures 16 and 17 define coterminous areas based on the footprint of a store and/or a shopping store aisle); and

A personal information unit comprising a user interface for signaling information to a user and a receiver arranged to receive the ~~availability~~ entity presence data and to cause the user interface to signal information to the user in dependence on the received ~~availability~~ entity presence data (abstract teaches a handheld computing device that

Art Unit: 2683

receives data wirelessly from the transponders, also see figures 1-2, 12-13, 14, 19-20 and C1, L5-52).

**But is silent on** “on demand” reception of transmitted data and the signal carrying data indicating the presence of a respective entity includes data indicating the type of the entity; and

the personal information unit includes a memory capable of storing a plurality of entity types and the personal information unit is arranged to cause the user interface to signal information to the user only if the received entity presence data includes data indicating one of the stored types.

Maruyama teaches a wireless information guiding system (title, abstract) that provides a user the ability to control when they receive data (eg. “start/stop” functions reads on “on demand” -- figure 6 and C10, L4-22) and how much detail they wish to receive (via Information Depth Key, figure 6). This allows a user to control when and how fast they receive information about a museum exhibit and how much detail they wish to know.

Rautila teaches a method for transferring digital data (title) in a system having different wireless systems (abstract, figure 1 shows the system and figure 2 shows the mobile device with memory #240) whereby a user can connect to an electronic shop web page (figure 4, #320) and find various hotspots for data downloading (figure 4, #380/#390). The examiner interprets the mobile detecting a hotspot (figure 5, #610) as reading on receiving a signal carrying data indicating the presence of an entity and data indicating the type of entity, since there are different types of “entities” the user can connect to in Rautila’s system (ie. see figure 1 which shows hotspots, electronic shop servers, cellular network access, etc.). Hence the mobile must receive a pilot-like signal from a transmitter that indicates what system said transmitter belongs to and it’s capabilities (eg. cellular, hotspot, web server, etc), otherwise the mobile will not be able to register with said transmitter and/or understand how to communicate with said transmitter. Rautila also teaches a mobile device (eg. personal information unit, figure 2) comprising CPU, memory and transceivers that receive the entity data and store/display it on said mobile device (C5, L9-22). The examiner interprets that the

Art Unit: 2683

mobile device will only respond to signals that it has a receiver for and hence will not respond to a system it cannot receive/decipher, which reads on the claim limitation that the device "only signals the user if the entity signal is one that is stored in memory". Rautila discloses Bluetooth technology (C2, L5-25) which operates in a fashion as described in the claims, eg. transparent detection and registration.

It would have been obvious to one of ordinary skill in the art of wireless communications, at the time of applicant's invention to modify Treyz, such that data is transmitted in an on-demand fashion AND a signal carries data indicating the presence of a respective entity includes data indicating the type of the entity AND the personal information unit includes a memory capable of storing a plurality of entity types AND is arranged to cause the user interface to signal information to the user only if the received entity presence data includes data indicating one of the stored types, to provide means for the user to control the time and rate at which they receive data based on the mobile accepting data from transmitters that it can receive/decipher.

**Claim 2** is rejected based on Treyz in view of Maruyama/Rautila as stated above in claim 1 and Treyz teaches a radio signal (figure 13 shows wireless RF link #180 between handheld and merchant).

**Claim 3** is rejected based on Treyz in view of Maruyama/Rautila as stated above in claim 1 and Treyz teaches comprising the respective transmitter transmits wirelessly a signal carrying data indicating the status of the respective entity (figure 1 discloses multiple merchants that use wireless links #56 to communicate with the handheld device and figure 49, #556/558 teaches merchant providing a description/status of themselves to said handheld when proximate/coterminous, also see figure 13 and figure 14, #178 which shows multiple merchants communicating with handheld) **but is silent on** at least one status sensor located at one of the entities and capable of sensing the status of the entity.

While Treyz does not explicitly use the word "status sensor", the examiner notes that Treyz discloses checking the "status" of available specials in the mall and

Art Unit: 2683

transmitting these specials to the handheld (figure 58, #608/#610). Further to this point, Treyz also teaches informing the user of current specials (figure 46) and that a restaurant table reservation (previously made) is now ready (figure 62) which reads on providing status information to the user. These actions inherently require a "status sensor" function to monitor the status of the entity and provide feedback about said entity to a user. Lastly, the system is operated on a computer platform (figure 2, #38) which would provide hardware/software for status sensing.

It would have been obvious to one of ordinary skill in the art of wireless communications, at the time of applicant's invention to modify Treyz/Maruyama/Rautila, such that a status sensor is located at an entity and capable of sensing status of the entity, to provide messages/feedback to the user as said entity's current status changes in real-time (ie. table is now ready, specials/sales of the day/week/month, etc.).

**Claim 6** is rejected based on Treyz in view of Maruyama/Rautila as stated above in claim 5 and Treyz teaches wherein the personal information unit includes input means for allowing a user to specify the plurality of entity types to be stored (figures 5-6 teaches the handheld device having a user-input interface, see buttons in figure 5 #120 and user interface #134 which would be used to input the plurality of entity types).

**Claim 7** is rejected based on Treyz in view of Maruyama/Rautila as stated above in claim 1 and Treyz teaches the personal information unit being a cellular phone (C9, L56-63).

**Claim 8** is rejected based on Treyz in view of Maruyama/Rautila as stated above in claim 1 and Treyz teaches wherein the personal information unit is capable of non-visually alerting a user in dependence on the received availability entity presence data (figure 4, #116 and C16, L5-15 teaches alert via vibration and alerting based on the type of data being transmitted, eg. email, calendar appointment, security, etc.).



Art Unit: 2683

**Claim 9** is rejected based on Treyz in view of Maruyama/Rautila as stated above in ~~claim 4~~ claim 1 and Treyz teaches wherein the personal information unit is capable of alerting a user with one of a plurality of alerts in dependence on the type indicated by received availability entity presence data (figure 4, #116 and C16, L5-15 teaches alert via vibration and alerting based on the type of data being transmitted, eg. email, calendar appointment, security, etc. and C44, L20-65 teaches the user can receive different alerts based on who (eg. entity) the message is coming from – only proximate merchant alert messages are sent via vibration while other types of messages may alert via audible, etc.).

**Claim 10** is rejected based on Treyz in view of Maruyama/Rautila as stated above in claim 1 and Treyz teaches wherein the personal information unit is a portable unit (abstract teaches a “handheld device” and C9, L56-63 teaches the unit can be a cellular phone both of which inherently portable.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2683

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta  
PRIMARY EXAMINER  
3-24-05

